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10/628,302	07/28/2003	Harold M. Valderas	DVD.5101	3490
<div>DVD Power Tools Suite A-126 12708 Riata Vista Circle Austin, TX 78727</div>				
			<div>EXAMINER HASAN, SYED Y</div>	
			<div>ART UNIT 2621</div>	<div>PAPER NUMBER</div>
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/628,302

**Applicant(s)**

VALDERAS, HAROLD M.

**Examiner**

Syed Y. Hasan

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply.**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent thereof, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent

Subject Matter Eligibility " (Official Gazette notice of 22 November 2005), Annex

IV reads as follows:

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

... a signal does not fall within one of the four statutory classes of Sec. 101

... signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.

Claims 29 – 46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows.

Claims 29 – 33 define "machine-accessible medium" and claims 34 – 46 define "machine-readable medium" with descriptive material. While "functional descriptive material" may be claimed as a statutory product (i.e., a "manufacture") while embodied on a tangible computer readable medium, storage medium embodying that same functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory class of §101. Rather, "medium" is a form of energy, in the absence of any physical structure or tangible material.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 3, 6 – 10, 13 – 16, 18, 21 – 25, 28 – 36, 38 – 42, and 45 – 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Deutscher et al (US 2004/0001106)

Regarding claim 1, Deutscher et al discloses a method to produce an interactive video presentation (abstract) for a DVD player (page 5, para 0073, DVD) having playback controls based upon a slide presentation (page 10, para 0110) the method comprising:

receiving the slide presentation (figure 26A, 2606, page 19, para 0199, presentation slides), wherein the slide presentation comprises a first slide and a second slide (page 10, para 0108, first and subsequent slides) the first slide having a slide content at a location within the first slide (figure 7, 702, page 10, para 0108, display area)

extracting the slide content; (page 10, para 0108, presentation slide preview)

associating the slide content with a first video frame (page 9, para 0104, first

frame of video) at a position within the first video frame based upon the location (page 10, para 0110, master track video) and

linking the first video frame with a subsequent video frame to provide a path between the video frames (page 9, para 0104, illustrates master video track of consecutive frames) navigable by user input via the playback controls, to create the interactive video presentation (page 9, para 0105, illustrates playback control)

Regarding claim 2, Deutscher et al discloses the method, further comprising combining the first video frame with a frame of a video background (page 19, para 0199, illustrates user importing files into presentation)

Regarding claim 3, Deutscher et al discloses the method, wherein combining the first video frame comprises incorporating instructions to repeat more than one combined frame (fig 11, 1100, page 12, para 0137 illustrates repeating frames)

Regarding claim 6, Deutscher et al discloses the method, further comprising associating an audio track with the first video frame (page 9, para 0104 illustrates audio file with first video frame)

Regarding claim 7, Deutscher et al discloses the method, further comprising inserting an image for a navigation bar in the first video frame (page 13, para 0140 illustrates user inserting an event in first video frame)

Regarding claim 8, Deutscher et al discloses the method, further comprising generating a list of items, wherein the items describe the video frames, and linking an item of the list with the first video frame (page 1, para 0012, illustrates the data associated with first "master" slide)

Regarding claim 9, Deutscher et al discloses the method, wherein receiving the slide presentation comprises receiving a PowerPoint file (page 8, para 0099, powerpoint)

Regarding claim 10, Deutscher et al discloses the method, wherein extracting comprises extracting foreground images from the slide (page 7, para 0085, extract means download)

Regarding claim 13, Deutscher et al discloses the method, wherein linking comprises associating the subsequent video frame with a default selection for the user input, wherein the subsequent video frame represents a subsequent content of the interactive video presentation with respect to the first video frame, based upon the slide presentation (page 3, para 0029 illustrates user defined link to establish video presentation)

Regarding claim 14, Deutscher et al discloses the method, wherein linking comprises determining a map of paths to interconnect multiple video frames of the video presentation, based upon an interconnections between slides of the slide presentation associated with contents of the multiple video frames (page 3, para 0029 illustrates a link file to interconnect video frames based on slides)

Regarding claim 15, Deutscher et al discloses a system to produce an interactive video presentation for a player having playback controls based upon a slide presentation, the system comprising:

an content extractor to extract slide content from a slide of the slide presentation;

a video generator coupled with the content extractor to produce a first video frame having the slide content associated with a position within the first video frame based upon the location from which the slide content is extracted from the slide; and

an authoring tool to link the first video frame with a subsequent video frame to provide a path between the video frames, navigable by user input via the playback controls, to create the interactive video presentation (rejected based on claim 1 above and further description of authoring tool at page 19, para 0199)

Regarding claim 16, Deutscher et al discloses the system, wherein the video generator comprises background circuitry to associate a motion video clip with the first video frame to play the motion video clip as a background on a display and the first video frame as a foreground on the display (rejected based on claim 2 above and further description of display at page 1, para 0012)

Regarding claim 18, Deutscher et al discloses the system, wherein the video generator comprises navigation image inserter to incorporate an image representing a navigation bar in the foreground (rejected based on claim 7 above)

Regarding claim 21, Deutscher et al discloses the system, wherein the video generator comprises audio association circuitry to associate an audio clip with the first video frame to play the audio clip as the first video frame is displayed (rejected based on claim 1 and 6 above)

Regarding claim 22, Deutscher et al discloses the system, wherein the authoring tool comprises audio selection circuitry to incorporate the audio clip in an audio track

and associate the audio track with the first video frame in response to a preference, the preference being modifiable by the user via the playback controls (rejected based on claim 1 and 6 above)

Regarding claim 23, Deutscher et al discloses the system, wherein the authoring tool comprises mapping circuitry to determine a map of paths to interconnect multiple video frames of the video presentation, based upon an interconnections between slides of the slide presentation associated with contents of the multiple video frames (reject based on claim 14 above)

Regarding claim 24, Deutscher et al discloses the system, wherein the authoring tool comprises mapping circuitry to associate the subsequent video frame with a default selection for the playback controls, wherein the subsequent video frame represents a subsequent content of the interactive video presentation with respect to the first video frame, based upon the slide presentation (rejected based on claim 13 above)

Regarding claim 25, Deutscher et al discloses a system to produce an interactive video presentation for a player having playback controls based upon a slide presentation, the system comprising:

- an content extractor to extract slide content from a slide of the slide presentation;

- a video generator coupled with the content extractor to produce a first video frame based upon the slide content, wherein the slide content is at a position within the first video frame based upon the location from which the slide content is extracted from



the slide;

an authoring tool to link the first video frame with a subsequent video frame to provide a path between the video frames, navigable by user input via the playback controls, to create the interactive video presentation (rejected based on claim 1 above) and

a medium writer to store the interactive video presentation on a medium (figure 1, 141, page 6, para 0076 illustrates storing data on hard disk drive 141)

Regarding claim 28, Deutscher et al discloses the system, wherein the video generator comprises circuitry to insert an image of a navigation bar into the first video frame (rejected based on claim 7 above )

Regarding claim 29, Deutscher et al discloses a machine-accessible medium having an interactive video presentation to interact with a user via playback controls of a player, the machine-accessible medium comprising:

more than one video frames comprising slide content extracted from slides of a slide presentation, wherein the slide content comprises images located at positions on a title layer within the video frames, the positions being related to positions of corresponding slide content within the slides; and

a control file comprising instructions to provide a map of paths to interconnect the more than one video frames based upon interrelationships between the slides, the control file being configured to provide instructions to the player to respond to commands from the user via the playback controls of the player to navigate through and display the more than one video frames (rejected based on claim 7 above )

Regarding claim 30, Deutscher et al discloses the machine-accessible medium of

claim 29, wherein the machine-readable medium comprises a DVD video (page 5, para 0073, DVD)

Regarding claim 31, Deutscher et al discloses the machine-accessible medium, wherein the more than one video frames are associated with a video track to display a motion video clip via an alpha channel on a display (page 35, para 0531, alpha channel)

Regarding claim 32, Deutscher et al discloses the machine-accessible medium, wherein the control file comprises instructions configured to provide a default navigation selection, the default navigation selection being a subsequent video frame with respect to a current video frame being displayed of the more than one video frames and based upon the map of paths (page 1, para 0011, user selects presentation tool to craft presentation)

Regarding claim 33, Deutscher et al discloses the machine-accessible medium, wherein the control file comprises instructions configured to provide a selection of audio tracks to associate with a video frame of the more than one video frames to display (rejected based on claim 1 and 6 above)

Claim 34 rejected based on claim 1 above.

Claim 35 rejected based on claim 2 above.

Claim 36 rejected based on claim 3 above.

Claim 38 rejected based on claim 6 above.

Claim 39 rejected based on claim 7 above.

Claim 40 rejected based on claim 8 above.

Claim 41 rejected based on claim 9 above.

Claim 42 rejected based on claim 10 above.

Claim 45 rejected based on claim 13 above.

Claim 46 rejected based on claim 14 above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutscher et al (US 2004/0001106) in view of Efrat et al (US 6570587)

Regarding claim 4, Deutscher et al discloses the method, wherein combining the first video frame with a frame of a video background (rejected based on claim 2 above)

However, Deutscher et al does not disclose combining the first video frame with a substantially seamless, looping video background

Efrat et al, on the other hand, teaches combining the first video frame with a substantially seamless, looping video background (col 3, lines 1 – 3, time interval of scene change)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate combining the first video frame with a substantially seamless, looping video background as taught by Efrat et al in the system of Deutscher et al in

order to display hotspots in select regions of frame of a video.

Regarding claim 19, Deutscher et al discloses the system, wherein the authoring tool comprises instruction circuitry (rejected based on claim 15 above)

However, Deutscher et al does not disclose instruction circuitry to incorporate an instruction to repeat the motion video clip while displaying the first video frame

Efrat et al, on the other hand, teaches instruction circuitry to incorporate an instruction to repeat the motion video clip while displaying the first video frame (rejected based on claim 4 above)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate instruction circuitry to incorporate an instruction to repeat the motion video clip while displaying the first video frame as taught by Efrat et al in the system of Deutscher et al in order to in order to display hotspots in select regions of frame of a video.

Regarding claim 20, Deutscher et al discloses the authoring tool (rejected based on claim 15 above)

However, Deutscher et al does not disclose circuitry to loop the motion video clip substantially seamlessly while displaying the first video frame

Efrat et al, on the other hand, teaches circuitry to loop the motion video clip substantially seamlessly while displaying the first video frame (rejected based on claim 4 above)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate circuitry to loop the motion video clip substantially seamlessly

while displaying the first video frame as taught by Efrat et al in the system of Deutscher et al in order to in order to display hotspots in select regions of frame of a video.

5. Claims 5, 12, 17, 37 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutscher et al (US 2004/0001106) in view of Lamkin et al (US 2004/0220926)

Regarding claim 5, Deutscher does not disclose the method, wherein combining the first video frame comprises inserting a translucent image layer having a color tone between the slide content and the frame of the video background

Lamkin et al, on the other hand, teaches the method, wherein combining the first video frame comprises inserting a translucent image layer having a color tone between the slide content and the frame of the video background (page 35, para 0531, translucent)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method, wherein combining the first video frame comprises inserting a translucent image layer having a color tone between the slide content and the frame of the video background as taught by Lamkin et al in the system of Deutscher et al in order to create a scene with the effect or transparency which is useful in scenes that feature glass or liquid objects.

Regarding claim 12, Deutscher et al does not disclose the method, wherein associating comprises locating the slide content within a safe area of the first video frame

However, Deutscher et al does not disclose combining the first video frame with

a substantially seamless, looping video background

Lamkin et al, on the other hand, teaches the method, wherein associating comprises locating the slide content within a safe area of the first video frame (page 10, para 0037, safe area)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method, wherein associating comprises locating the slide content within a safe area of the first video frame as taught by Lamkin et al in the system of Deutscher et al in order to avoid clipping of video when presenting on various monitors.

Regarding claim 17, Deutscher et al discloses the readability of text of the slide content (fig 24C)

However, Deutscher et al does not disclose the system, wherein the video generator comprises translucent layer generator to incorporate an image layer having a color tone between the foreground and the background, wherein a translucency of the image layer is adjusted

Lamkin et al, on the other hand, teaches the system, wherein the video generator comprises translucent layer generator to incorporate an image layer having a color tone between the foreground and the background, wherein a translucency of the image layer is adjusted (rejected based on claim 5 above)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system, wherein the video generator comprises translucent layer generator to incorporate an image layer having a color tone between the

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foreground and the background, wherein a translucency of the image layer is adjusted as taught by Lamkin et al in the system of Deutscher et al in order to to create a scene with the effect or transparency which is useful in scenes that feature glass or liquid objects

Claim 37 rejected based on claim 5 above.

Claim 44 rejected based on claim 12 above.

6. Claims 11, 26 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutscher et al (US 2004/0001106) in view of Sorenson et al (US 4951151)

Regarding claim 11, Deutscher et al does not disclose the method, wherein associating comprises invoking a video generator to associate the slide content with a title layer of the first video frame

Sorenson et al, on the other hand, teaches the method, wherein associating comprises invoking a video generator to associate the slide content with a title layer of the first video frame (col 1, lines 51 – 53 and col 4, lines 18 – 28, illustrates video generator associating content with first video frame)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method, wherein associating comprises invoking a video generator to associate the slide content with a title layer of the first video frame as taught by Sorenson et al in the system of Deutscher et al in order to generate first video scene selected by the user.

Claims 26 rejected based on claim 11 above.

Claim 43 rejected based on claim 11 above.

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7. Claim 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutscher et al (US 2004/0001106) in view of Sorenson et al (US 4951151) and further in view of Efrat et al (US 6570587)

Regarding claim 27, Deutscher et al discloses the authoring tool (rejected based on claim 15 above)

However, Deutscher et al and Sorenson et al does not disclose circuitry to a control file to cause the player to repeat the video clip

Efrat et al, on the other hand, teaches circuitry write a control file to cause the player to repeat the video clip (rejected based on claim 4 above)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate circuitry write a control file to cause the player to repeat the video clip as taught by Efrat et al in the combined system of Deutscher et al and Sorenson et al in order to display hotspots in select regions of frame of a video

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Sterkin et al (US 2004/0148637) discloses a method and system for literal data access.

Li et al (US 2002/0126755) discloses a system and process for broadcast and communication with very low bit-rate bi-level or sketch video.

Madrane (US 6573907) discloses a network distribution and management of interactive video and multi-media containers.

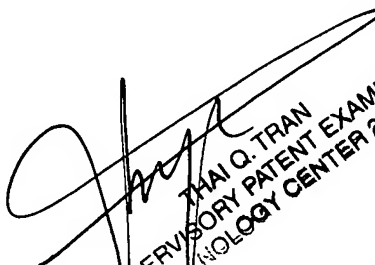


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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